O.J.C. Nos.9535 of 2000, 9534 of 2000 & W.P.(C).No.1348 of 2010

14. 03.04.2019 Heard Sri B.S. Tripathy, learned counsel for the petitioners and learned counsel appearing for the Bhubaneswar Development Authority in all the writ petitions hereinabove.

Considering the development taken placed in the meantime and the demolition of construction portion over the drain having already taken place, nothing survives involving W.P.(C).No.9535 of 2000. Consequently, W.P.(C).No.9535 of 2000 stands closed.

So far W.P.(C). No. 9534 of 2000 & W.P.(C).No.1348 of 2010 are concerned, for the difficult in approving the plan, this Court finds no scope for interfering in the order involved therein except directing the petitioners to approach the General Administration Department for acquiring their land and allot a portion of land equivalent to the value of land in the possession of the petitioners in any other area in Bhubaneswar. In the event, the petitioners make an application to the competent authority such as General Administration Department along with copy of the application to the Municipal Corporation as well as the Bhubaneswar Development Authority, in such event the General Administration Department with other two establishments will take into account the difficulties faced by the petitioners in getting the plan approval for the obstruction of the drain passing over the petitioners land. Further, it is also directed that the Municipal Corporation as well as the Bhubaneswar Development Authority shall also co-operate the General Administration Department in arriving at a logical decision for acquisition of the petitioners land and providing a different patch of land in the city of the Bhubaneswar equivalent to the valuation of the land of the petitioners. This order is passed considering that for the obstruction of the drain, the land of the petitioners will remain unused and they cannot get approval of building plan under any circumstance. In the event the petitioners make an application to the competent authority within a period of three weeks hence, decision on the same shall be

taken in the joint meeting of the General Administration Department, Bhubaneswar Municipal Corporation as well as Bhubaneswar Development Authority by taking suitable decision within a period of four months from the date of filing of the application by the petitioners.

With the above observation and direction, the writ petitions stand disposed of.

Issue urgent certified copy of this order on proper application.

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BISWANATH RATH,J.

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